

Gary W. Osborne (Bar No. 145734)
Dominic S. Nesbitt (Bar No. 146590)
OSBORNE & NESBITT LLP
501 West Broadway, Suite 1760
San Diego, California 92101
Phone: (619) 557-0343
Fax: (619) 557-0107

Attorneys for Interested Party,
SOUTH BAY EXPRESSWAY, L.P.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

OTAY RIVER CONSTRUCTORS, a
joint venture of the WASHINGTON
GROUP INTERNATIONAL, INC. and
FLUOR ENTERPRISES, INC.,

Plaintiff,

vs.

ZURICH AMERICAN INSURANCE
COMPANY, an Illinois corporation, and
DOES 1 through 10, inclusive,

Defendants.

CASE NO. 06-CV-2631-BTM (WMC)

**STIPULATION PERMITTING
SOUTH BAY EXPRESSWAY, L.P. TO
INTERVENE AS A PARTY TO THIS
ACTION**

I/C JUDGE: Hon. Barry T. Moskowitz

WHEREAS, on October 31, 2006, Otay River Constructors ("ORC") filed suit against Zurich American Insurance Company ("Zurich") asserting claims for breach of insurance contract, breach of implied covenant of good faith and fair dealing, and declaratory relief.

WHEREAS, South Bay Expressway L.P. ("SBX") believes that it has a significantly protectable interest relating to the subject matter of the action, that the disposition of the action may impair or impede SBX's ability to protect its interest absent intervention, and that SBX's interest is not adequately represented by ORC or Zurich.

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1 WHEREAS, ORC is agreeable to the filing of the Answer in Intervention as a
2 procedural matter pursuant to this Stipulation, without waiver of, or prejudice to, its
3 rights, defenses or positions in this or any other action, or to the Answer in Intervention.

4 WHEREAS, Zurich is agreeable to the filing of the Answer in Intervention as a
5 procedural matter pursuant to this Stipulation, without waiver of, or prejudice to, its
6 rights, defenses or positions in this or any other action;

7 NOW, THEREFORE, SBX, ORC and Zurich hereby stipulate, subject to this
8 Court's approval, as follows:

- 9 1. SBX may intervene as a party to this action; and
10 2. SBX shall be permitted to file its Answer in Intervention, lodged
11 concurrently with this stipulation.

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13 **IT IS SO STIPULATED:**

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15 LUCE FORWARD HAMILTON & SCRIPPS
LLP

16 DATED: March 5, 2007

By: //s// Scott W. Sonne

17 Scott W. Sonne, Esq.
18 Attorneys for Plaintiff,
Otay River Constructors

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20 COZEN O'CONNOR

21 DATED: March 16, 2007

By: //s// Joann Selleck

22 Joann Selleck, Esq.
23 Attorneys for Defendant,
Zurich American Insurance Company

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25 OSBORNE & NESBITT LLP

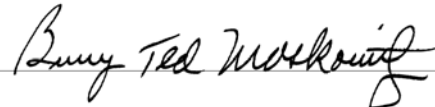
26 DATED: March 16, 2007

By: //s// Gary W. Osborne

27 Gary W. Osborne, Esq.
28 Attorneys for Defendant-in-Intervention,
South Bay Expressway, L.P.

1 IT IS SO ORDERED.

2 DATED: March 22, 2007

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5 Hon. Barry Ted Moskowitz
6 United States District Judge
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